

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional Director

Oshkosh Service Center  
905 Bay Shore Drive  
P.O. Box 2565  
Oshkosh, Wisconsin 54903  
Telephone 920-424-3050  
FAX 920-424-4404

April 26, 1999

Mr. Joseph Baumhardt  
Baumhardt Sand and Gravel  
W3998 Hwy. 45  
Eden WI 53019

*COPY*

**SUBJECT:** Conditional Closure of Baumhardt Trucking  
BRRTS ID# 03-20-002591

Dear Mr. Baumhardt:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a *conditional* case closure. At this time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of the state.

**First Condition: Deed Restriction**

The WDNR is requiring no further remedial action at this time; however, *You must file the attached "Declaration of Restriction" with your county Register of Deeds office within 30 days and send proof of this filing to the Department within 60 days of the date of this letter.* The attached restriction also includes maps which must be filed with the text. (The restriction is a Department standard format and has been drafted with oversight from Department attorneys. Please contact me if you have any questions or concerns regarding the restriction as written.)

Please note that case closure is dependent upon the filing of this deed restriction. *If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required.* A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

**Second Condition: Monitoring Well Abandonment**

*After* filing the restriction with the county, all monitoring wells, sumps, and/or boreholes must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention.

Until verification of both the restriction and abandonment documentation is received, the DNR will continue to track this facility as an active BRR site.

Please be aware that this letter does not absolve the current, or any future owner of this property, from future decisions regarding this site or impacts which may be discovered and/or traced to past or future activities at this site. If additional information in the future indicates that further investigation and/or remediation is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-7890.

Sincerely,



Kevin D. McKnight  
WDNR, Hydrogeologist  
[mcknik@dnr.state.wi.us](mailto:mcknik@dnr.state.wi.us)

cc: file

Kristine Gallagher, Miller Eng. & Sci., 5308 S. 12<sup>th</sup> St., Sheboygan WI 53081

This Indenture, Made this 2nd day of October, A. D., 1963, between WILBERT GRAHL and FLORENCE GRAHL, his wife, part les of the first part and JOSEPH BAUMHARDT and MARY EUGENIA BAUMHARDT, his wife, in joint tenancy with right of survivorship, part les of the second part, Witnesseth, That the said part les of the first part, for and in consideration of the sum of One Dollar and other good and valuable considerations to them in hand paid by the said part les of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said part les of the second part, their heirs and assigns forever, the following described real estate situated in the County of Fond du Lac, State of Wisconsin, to-wit:

All that part of the West one half of the Southeast One Quarter of the Southwest One Quarter ( W 1/4 SE 1/4 SW 1/4 ) of Section Nine (9) Township Fourteen (14) North, Range Eighteen (18) East described as follows:

Commencing at the Northwest Corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) S. 9 T. 14 NR. 18, E. Thence South on said West boundary line of S. E. 1/4 S. W. 1/4, 510 feet to the place of beginning of the parcel to be described; thence continuing South along said West boundary line 200 feet; thence East an parallel with the North boundary line of S. E. 1/4 S. W. 1/4; 250 feet; thence North and parallel with the West boundary line of S. E. 1/4 S. W. 1/4; 650 feet; thence West and parallel with the North boundary line of S. E. 1/4 S. W. 1/4, 100 feet; thence South and parallel with the West boundary line of S. E. 1/4 S. W. 1/4, 450 feet; thence West and parallel with the North boundary line of S. E. 1/4 S. W. 1/4, 150 feet to the place of beginning.

This instrument was drafted by Attorney Arthur W. Guenther Jr., Campbellsport, Wisconsin.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining; and all estate right, title, interest, claim or demand whatsoever, of the said part les of the first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

To Have and To Hold the said premises as above described with the hereditaments and appurtenances unto the said part les of the second part, and to themselves, their heirs and assigns FOREVER.

And the said WILBERT GRAHL and FLORENCE GRAHL, his wife,

for themselves, their heirs, executors and administrators, do covenant, grant, bargain, and agree to and with the said part les of the second part, their heirs and assigns, that at the time of the ensembling and delivery of these presents, they were well seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the same are free and clear from all incumbrances whatever.

and that the above bargained premises in the quiet and peaceable possession of the said part les of the second part, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, will forever WARRANT AND DEFEND.

In Witness Whereof, the said part les of the first part have hereunto set their hands and seal, this 2nd day of October, A. D., 1963.

SIGNED AND SEALED IN PRESENCE OF

Arthur W. Guenther Jr.

Albina Campagna

Wilbert Grahl (SEAL)

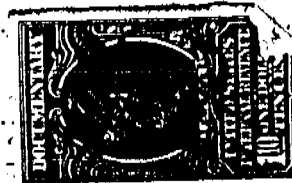
Wilbert Grahl

Florence Grahl (SEAL)

Florence Grahl

(SEAL)

(SEAL)



STATE OF WISCONSIN } ss.  
FOND DU LAC County.

Personally came before me, this 2nd day of October, A. D., 1963, the above named Wilbert Grahl and Florence Grahl, his wife, to me known to be the person, who executed the foregoing instrument and acknowledged the same.

Received for Record this 11th day of October, A. D., 1963, at 2:45 o'clock PM.

(SEAL)

Arthur W. Guenther Jr.

Notary Public, Fond du Lac County, Wis.  
My commission expires Sept. 3, A. D., 1967.

Deputy Register of Deeds

673888

Document Number

GROUNDWATER USE RESTRICTION

RECEIVED FOR RECORD

VOL 1459 PAGE 367-370

99 JUL -8 AM 9:26

Mary A. Brickle

REGISTER OF DEEDS  
FOND DU LAC COUNTY, WI

Declaration of Restrictions

In Re: All that part of the West one half of the Southeast one Quarter of the Southwest one Quarter (W1/4, SE1/4, SW1/4) of Section Nine (9) Township Fourteen (14) North, Range Eighteen (18) East described as follows:

Commencing at the Northwest Corner of the Southeast Quarter of the Southwest Quarter (SE1/4, SW1/4) S.9 T.14 NR.18E. Thence South on said West boundary line of SE1/4 SW1/4, 510 feet, to the place of beginning of the parcel to be described; thence continuing South along said West boundary line, 200 feet; thence East and parallel with the North boundary line of SE1/4 SW 1/4, 250 feet; thence North and parallel with the West boundary line of SE1/4 SW1A, 650 feet; thence West and parallel with the North boundary line of SE1/4 SW1/4, 100 feet; thence South and parallel with the West boundary line of SE1/4 SW1/4, 450 feet; thence West and parallel with the North boundary line of SE1/4 SW1/4, 150 feet, to the place of beginning.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF Fond du Lac )

Recording Area

Name and Return Address

Baumhardt Land & Mineral 16'  
W 3998 Hwy 45  
Eden WI 53019

WHEREAS, Joseph Baumhardt and ~~Mary Eugenia Baumhardt~~ is the owner of the above-described property. **DECLARED** Parcel Identification Number (PIN)

WHEREAS, one or more gasoline discharges from a former leaking underground tank have occurred at this property, methyl-tert-butyl-ether (MTBE) contaminated groundwater above NR 140 enforcement standards exists on this property at the following locations: a concentration of 400 µ/L (micrograms per liter) MTBE was found at the monitoring well location designated as MW 1, a concentration of 16 µ/L was found at sump location RS 1, and a concentration of 31 µ/L was found at sump location RS2, at the sampling date of December 7, 1998. Sampling location are shown on Figure 1: *Site Plan* which is attached and made part of this restriction.

Also soil contamination with gasoline constituents greater than NR 720 Residual Contaminant Levels for Benzene was found in the following excavation limit samples collected in May 1996: S15(1300 µg/Kg), S22 (480µg/Kg), S37(390µg/Kg), S38(1400µg/Kg), S40(1300µg/Kg), S45(88µg/Kg), S47(1300µg/Kg), S48(2600µg/Kg), and S51(2200µg/Kg). Sampling locations are designated on the attached Figure 2: *Soil Sample Location Plan Gasoline Tank Excavation Area* which is attached and made part of this restriction.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

Pursuant to the requirements of s. 292.11, Stats., if the contaminated soils left in place which currently exist on this property are removed, the property owner shall be required to conduct an investigation of the degree and extent of contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly treated or disposed of in accordance with applicable laws.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 7<sup>th</sup> day of July, 1999.

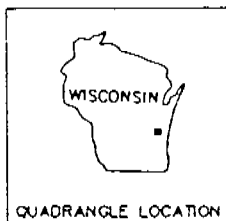
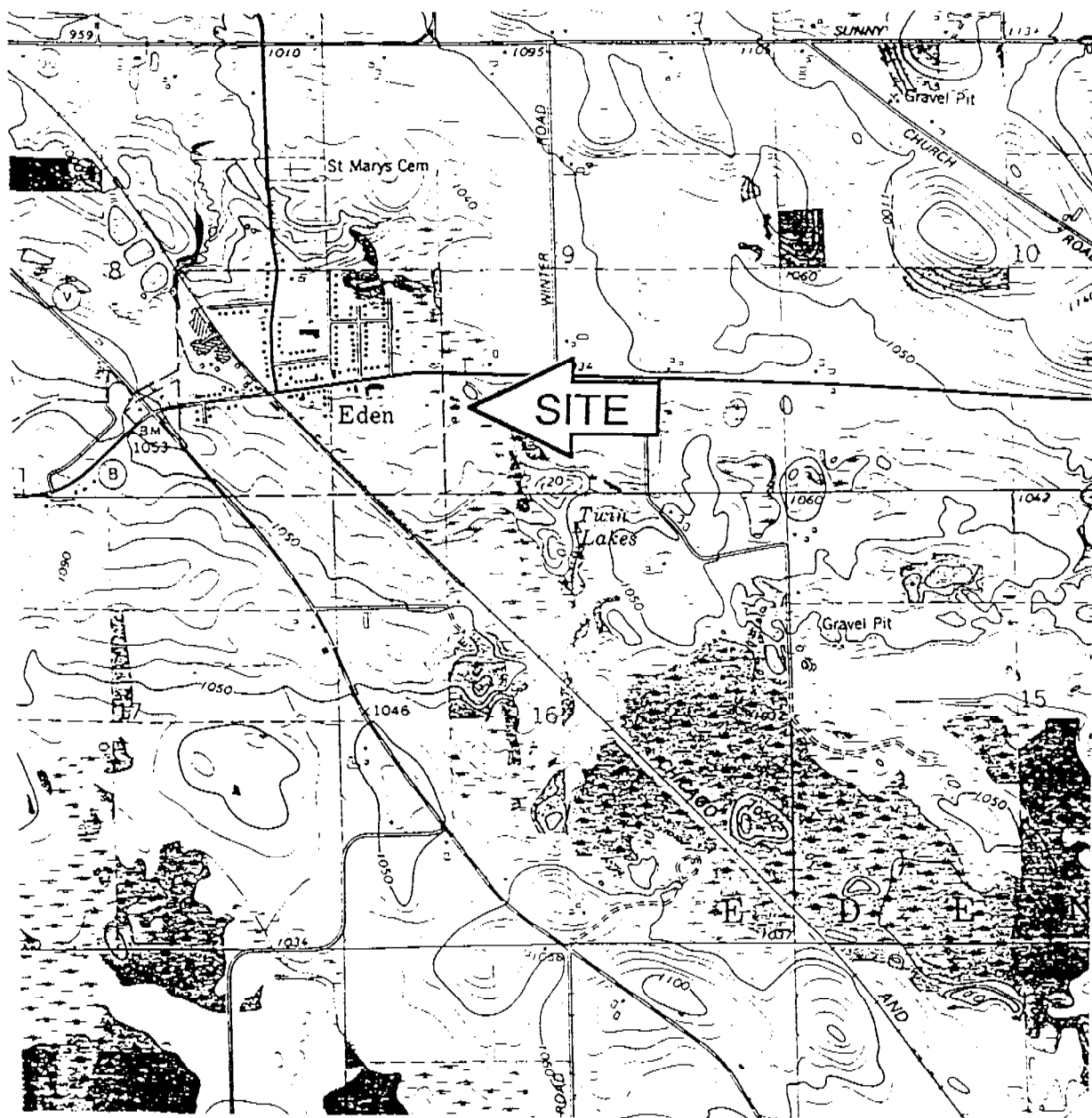
Signature: *Joseph Baumhardt*  
Printed Name: JOSEPH BAUMHARDT

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

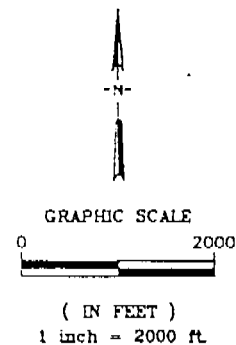
Subscribed and sworn to before me  
this 7<sup>th</sup> day of July, 1999

*Lynelle Mapius*  
Notary Public, State of Wis  
My commission 12/3/99

This document was drafted by the Wisconsin Department of Natural Resources.



EDEN QUADRANGLE  
7.5' SERIES  
NE/4 CAMPBELLSPORT 15' QUADRANGLE  
WISCONSIN

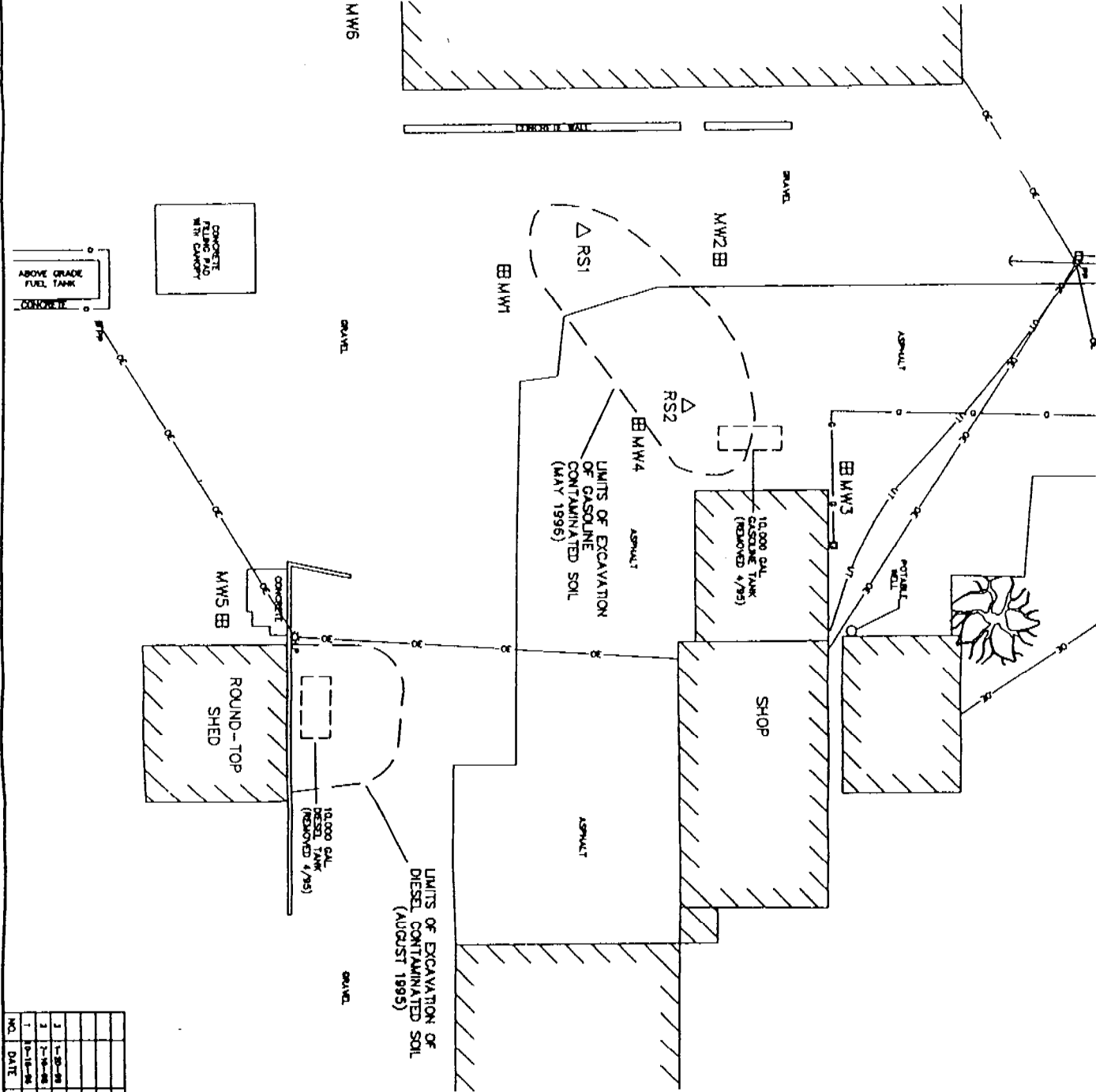


DATE  
7/7/95  
JOB. NO.  
13093E1E

BY  
SH  
CK  
KKG

CLIENT: BAUMHARDT SAND & GRAVEL  
JOB: RI/RAP  
LOCATION: EDEN, WISCONSIN

F-1



NO.	DATE	DESCRIPTION
1	1-28-88	INSTALL MONITORING WELLS
2	1-18-88	ADD MONITORING WELL
3	1-18-88	ADD WELLS AND EXCAVATION LIMITS

**FIGURE 1 - SITE PLAN**

**MILLER ENGINEERS SCIENTISTS**  
 2208 South Twelfth Street  
 Sheboygan, Wisconsin 53081  
 414-466-8184

**BAUMHART SAND & GRAVEL**  
 EDEN, WISCONSIN

DATE	7/7/95	BY	SH	SHEET	F-1
SCALE	1" = 30'	CHK	KJC		

**LEGEND**

**EXISTING**

- GAS MAIN
- GAS SERVICE
- GAS VALVE
- GAS METER
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- LIGHT POLE
- POWER POLE
- ELECTRIC PEDESTAL
- ELECTRIC TRANSFORMER
- OVERHEAD TELEPHONE
- UNDERGROUND TELEPHONE
- TELEPHONE PEDESTAL
- CABLE TV

**PROPOSED**

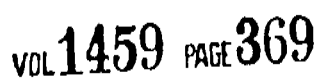
- MONITORING WELL
- EXCAVATION LIMITS
- TANK
- GRAVEL
- ASPHALT
- CONCRETE
- ABOVE GRADE FUEL TANK
- CONCRETE TANK WITH GROUND

**SYMBOLS**

- MONITORING WELL
- EXCAVATION LIMITS
- TANK
- ▨ GRAVEL
- ▩ ASPHALT
- ▧ CONCRETE
- ▤ ABOVE GRADE FUEL TANK
- ▥ CONCRETE TANK WITH GROUND

**SCALE**

0 30  
 (IN FEET)  
 1 inch = 30 ft





**TABLE 4**  
**Historic Ground Water Analytic Test Results**

Baumhardt Sand & Gravel  
Eden, Wisconsin  
Project #13093E

**Gasoline Excavation Area**  
**MW1**

DATE	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	Naphthalene (ppb)
21-Jul-95	ND	ND	ND	ND	ND	1000	1000	--
14-Feb-96	ND	ND	ND	ND	ND	1600	1600	--
05-Jun-96	ND	ND	ND	ND	ND	1300	1300	--
03-Sep-96	ND	ND	ND	ND	ND	1100	1100	--
16-Dec-96	ND	ND	ND	ND	ND	1200	1200	--
10-Mar-97	ND	ND	ND	ND	ND	951	951	--
22-Sep-97	1.17	ND	ND	ND	ND	1075	1076	--
30-Mar-98	1.4	0.22	<0.20	ND	ND	790	792	--
23-Jun-98	0.9	0.22	<0.20	0.35	0.28	510	510	--
22-Sep-98	<0.41	0.43	<0.38	1.0	<0.23	540	540	--
07-Dec-98	<1.0	2.5	<1.0	2.0	<2.5	400	400	--

**MW2**

DATE	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	Naphthalene (ppb)
21-Jul-95	ND	ND	ND	ND	ND	ND	ND	--
14-Feb-96	ND	ND	ND	ND	ND	ND	ND	--
05-Jun-96	ND	ND	ND	ND	ND	ND	ND	--
03-Sep-96	ND	ND	ND	ND	ND	ND	ND	--
16-Dec-96	Not Sampled	ND	ND	ND	ND	ND	ND	--
10-Mar-97	ND	ND	ND	ND	ND	ND	ND	--
22-Sep-97	ND	ND	ND	ND	ND	ND	ND	--
30-Mar-98	<0.13	0.22	<0.20	ND	ND	ND	ND	--
23-Jun-98	<0.13	0.22	<0.20	0.51	0.24	<0.16	0.24	--
22-Sep-98	Not Sampled	0.22	<0.20	0.51	0.23	<0.16	LOD	--
07-Dec-98	<0.10	0.25	<0.10	0.20	<0.25	<0.25	LOD	--

**MW3**

DATE	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	Naphthalene (ppb)
21-Jul-95	ND	ND	ND	ND	ND	ND	ND	--
14-Feb-96	ND	ND	ND	ND	ND	ND	ND	--
05-Jun-96	ND	ND	ND	ND	ND	ND	ND	--
03-Sep-96	ND	ND	ND	ND	ND	ND	ND	--
16-Dec-96	Not Sampled	ND	ND	ND	ND	ND	ND	--
10-Mar-97	ND	ND	ND	ND	ND	ND	ND	--
22-Sep-97	ND	ND	ND	ND	ND	ND	ND	--
30-Mar-98	<0.13	0.22	<0.20	ND	ND	ND	ND	--
23-Jun-98	<0.13	0.22	<0.20	0.24	0.28	<0.16	0.52	--
22-Sep-98	Not Sampled	0.22	<0.20	0.51	<0.23	<0.16	LOD	--
07-Dec-98	<0.10	0.25	<0.10	<0.20	<0.25	<0.25	LOD	--

**TABLE 4: Historic Ground Water Test Results (Continued)**

DATE	MW4							Naphthalene (ppb)
	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	
14-Feb-96	ND	ND	ND	ND	ND	ND	ND	--
05-Jun-96	ND	ND	ND	ND	ND	ND	ND	--
03-Sep-96	1.2	ND	ND	ND	ND	ND	ND	--
16-Dec-96	ND	ND	ND	ND	ND	ND	ND	--
10-Mar-97	0.529	ND	ND	ND	ND	ND	ND	--
22-Sep-97	ND	ND	ND	ND	ND	1.29	1.819	--
30-Mar-98	0.30	<0.22	<0.20	<0.51	<0.23	<0.16	0.30	--
23-Jun-98	<0.13	<0.22	<0.20	<0.51	<0.23	<0.16	<LOD	--
22-Sep-98	0.49	<0.43	<0.38	<1.0	<1.4	<0.41	0.49	--
07-Dec-98	<0.10	<0.25	<0.10	<0.20	<0.25	<0.25	<LOD	--

DATE	MW6							Naphthalene (ppb)
	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	
23-Jun-98	<0.13	<0.22	<0.20	<0.51	<0.23	<0.16	<LOD	--
22-Sep-98	<0.41	<0.43	<0.38	<1.0	<1.4	<0.41	<LOD	--
07-Dec-98	<0.10	<0.25	<0.10	<0.20	<0.25	<0.25	<LOD	--

DATE	RS1							Naphthalene (ppb)
	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	
25-Jun-96	3.6	ND	6.1	ND	8.4	300	318.1	--
03-Sep-96	13	ND	17	ND	ND	220	250	--
16-Dec-96	5.4	2.3	2.3	ND	2.9	29	42	--
10-Mar-97	3.71	ND	ND	ND	ND	37.4	41.11	--
22-Sep-97	ND	ND	ND	ND	ND	182	182	--
30-Mar-98	<0.13	<0.22	3.2	0.24	0.23	7.5	10.94	--
23-Jun-98	0.13	<0.22	<0.20	<0.51	0.23	22	22	--
22-Sep-98	<0.41	<0.43	<0.38	<1.0	<1.4	23	23	--
07-Dec-98	<0.10	<0.25	0.54	0.20	<0.25	16	17	--

DATE	RS2							Naphthalene (ppb)
	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	
25-Jun-96	35	98	810	64	780	85	1872	--
03-Sep-96	9.4	ND	170	17.7	150	400	747.1	--
16-Dec-96	9.1	2.0	ND	5.9	20.4	270	307	--
10-Mar-97	6.69	1.29	4.76	1.7	1.62	171	186.53	--
22-Sep-97	2.54	ND	ND	ND	ND	260	262.54	--
30-Mar-98	0.39	<0.22	0.20	0.24	0.33	54	54.96	--
23-Jun-98	0.16	<0.22	<0.20	0.51	<0.23	29	29	--
22-Sep-98	<0.41	<0.43	<0.38	1.0	<1.4	28	28	--
07-Dec-98	<0.10	<0.25	<0.10	0.20	<0.25	31	31	--

**TABLE 4: Historic Ground Water Test Results (Continued)**

DATE	Diesel Excavation Area MW5								PAH (ppb)
	Benzene (ppb)	Ethylbenzene (ppb)	Toluene (ppb)	Trimethylbenzenes (ppb)	Xylenes (ppb)	MTBE (ppb)	Total PVOC (ppb)	Naphthalene (ppb)	
14-Feb-96	ND	ND	ND	ND	ND	ND	ND	ND	ND
10-Mar-97	ND	ND	ND	ND	ND	ND	ND	ND	ND
30-Mar-98	<0.13	<0.22	<0.20	<0.51	0.53	<0.16	0.53	<1.1	--
22-Sep-98	Not Sampled								--
07-Dec-98	<0.10	<0.25	<0.10	<0.20	<0.25	<0.25	<LOD	0.10	--

ND = Not Detected

< = Not Detected Above Method Level of Detection (LOD)

-- = Not Sampled

0.0 = Exceeds NR140 Ground Water Preventive Action Limits

0.0 = Exceeds NR140 Ground Water Enforcement Standard

NR 140 Ground Water Standard (ppb)	Benzene	Ethyl- Benzene	Toluene	Trimethyl- benzenes	Total Xylenes	MTBE
Enforcement Standard	5	700	343	480	620	60
Preventive Action Limit	0.5	140	68.6	96	124	12

13-13093E/GWRESULT.WB2 (ORGANIC)